

INTRODUCED: 04/26/2010

REFERRED TO: Metropolitan Development Committee

SPONSOR: Councillor Vaughn

DIGEST: amends portions of the Code regarding the Dwelling Districts Zoning Ordinance amending the setbacks pertaining to land within the Town of Meridian Hills

SOURCE:

Initiated by: Metropolitan Development Commission
Drafted by: Department of Metropolitan Development

LEGAL REQUIREMENTS FOR ADOPTION:

The Ordinance becomes effective July 24, 2010,
unless sooner adopted, rejected or amended by the Council

PROPOSED EFFECTIVE DATE:

Adoption and approvals

GENERAL COUNSEL APPROVAL:



Date: April 21, 2010

CITY-COUNTY GENERAL ORDINANCE NO. , 2010

METROPOLITAN DEVELOPMENT COMMISSION
Docket No. 2010-AO-01

A GENERAL ORDINANCE to amend portions of the "Revised Code of the Consolidated City and County" regarding the Dwelling Districts Zoning Ordinance amending the setbacks pertaining to land within the Town of Meridian Hills and fixing a time when the same shall take effect.

WHEREAS, IC 36-7-4 establishes the Metropolitan Development Commission (MDC) of Marion County, Indiana, as the single planning and zoning authority for Marion County, Indiana, and empowers the MDC to approve and recommend to the City-County Council of the City of Indianapolis and of Marion County, Indiana ordinances for the zoning or districting of all lands within the county for the purposes of securing adequate light, air, convenience of access, and safety from fire, flood, and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general public welfare; securing the conservation of property values; and securing responsible development and growth;

WHEREAS, the Town Council of Meridian Hills, Indiana, is duly elected by the citizens of the Town of Meridian Hills;

WHEREAS, the Town Council of Meridian Hills, Indiana, unanimously resolved to request the amendment of the Dwelling Districts Zoning Ordinance as it pertain to land within the Town of Meridian Hills to establish the setback requirements of not only the front yard but also the side and rear yards in accordance with their original 1946 requirements; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 731-200 (a) (4) of the "Revised Code of the Consolidated City and County," regarding the land within the Town of Meridian Hills, is hereby amended by the addition of the language that is underscored, to read as follows:

Sec. 731-200. General dwelling district regulations.

The following regulations shall apply to all land within the dwelling districts.

(a) After the effective date of this ordinance:

- (4) The front, side and rear setback and minimum front, side and rear yard requirements of all dwelling zoning districts shall be subject to the following exception for all land within the Town of Meridian Hills, Indiana:

The required front, side and rear setback and minimum front, side and rear yard requirements applicable to all land within the Town of Meridian Hills, Indiana, however presently zoned, shall be not less than the standards of the class R-1, R-2, and R-3 area districts, respectively, previously applicable thereto as said land was formerly zoned, in accordance with the Meridian Hills Zone Map and sections 9, 10, and 12 of the Zoning Ordinance of the Town of Meridian Hills, Indiana, General Ordinance No. 1, 1946, prior to the effective date of the comprehensive Dwelling Districts Zoning Ordinance of Marion County, Indiana, Ordinance 66-AO-2, which rezoned and reclassified said land.

(Said Zoning Ordinance of the Town of Meridian Hills, Indiana, sections 9, 10, and 12 and Meridian Hills Zone Map, adopted by the Marion County Council March 28, 1957, as a part of Marion County Council Ordinance No. 8-1957, are hereby incorporated herein by reference).

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end, the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect on August 1, 2010.

The foregoing was passed by the City-County Council this _____ day of _____, 2010, at _____ p.m.

ATTEST:

Ryan Vaughn
President, City-County Council

Melissa Thompson
Clerk, City-County Council